

COMMISSION MEETING MINUTES

Indiana Fire Prevention and
Building Safety Commission
Government Center South
302 W. Washington Street
Indianapolis, Indiana 46204
Conference Center Room B

February 4, 2014

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hawkins at 9:02 a.m. on February 4, 2014.

(a) Commissioners present at the Commission meeting:

Diana M. H. Brenner
Thomas Cloud
Kevin Goeden, representing the Commissioner, Department of Labor
John Hawkins, Chairman
Todd Hite, representing the Commissioner, Department of Health
James Hoch
Matt Mitchell
Patrick Richard
Craig Von Deylen

Commissioners not present at the Commission meeting:

Ron Brown
Michael Corey

(b) The following departmental and support staff were present during the meeting:

Legal and Code Services
Mara Snyder, Director, Legal and Code Services
Cecilia Ernstes-Boxell, Code Specialist
Denise Fitzpatrick, Code Specialist
John Haines, Code Specialist
Beth Sutor, Secretary

(c) James Schmidt, Deputy Attorney General, and Gary Bippus, Administrative Law Judge, were present.

2. Old Business

Chairman Hawkins called for any corrections or a motion to approve the minutes of the January 7, 2014, meeting. Commissioner Mitchell moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

3. Ordinances

Building Ordinance #45-11-13
Noblesville, Indiana

Building Ordinance #46-11-13
as amended by Ordinance #06-01-14
Noblesville, Indiana

Mara Snyder, Director, Legal and Code Services, presented the ordinances and recommended their approval. Commissioner Von Deylen moved to approve both ordinances, with the second by Commissioner Richard. It was voted upon and carried. Commissioner Mitchell abstained.

4. Third Party Inspectors

Progressive Engineering, Inc.
58640 State Road 15
Goshen, Indiana 46528

RADCO
3220 E. 59th Street
Long Beach, California 90805

Marc Reynolds, Fire and Building Code Enforcement, presented the applications and recommended their approval. Commissioner Mitchell moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

5. Variances

Tabled Variances

The proponent for variance 13-11-12, Hoosier House Furnishings LLC, Goshen, requested the application be tabled. Commissioner Brenner moved to table, with the second by Commissioner Mitchell. It was voted upon and carried. Chairman Hawkins then called for a separate block vote

of A and B tabled variances. Commissioner Mitchell moved to approve all tabled "A" and "B" variances, with the second by Commissioner Cloud. It was voted upon and carried. Commissioner Von Deylen noted he abstained from voting on 14-1-20, 1002 Broad Ripple Avenue, Indianapolis.

The following variances were approved as submitted:

- (1) 14-1-2 720 Northwestern Avenue, West Lafayette
- (2) 14-1-6 2404 S. Woolery Mill Drive Windows, Bloomington
- (3) 14-1-20 1002 Broad Ripple Avenue, Indianapolis
- (4) 14-1-55 Old Dominion Truck Leasing Inc, Goshen
- (5) 14-1-56 Waste Management, Ft. Wayne
- (6) 14-1-59 MetalX, LLC Support Building, Waterloo
- (7) 14-1-61(a) Edge Manufacturing West Addition, Bluffton

The following variances were heard separately:

The proponent for variance 13-11-13, Sincere Heart Adult Day Care Center, Merrillville, was unavailable for questions. Commissioner Cloud moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried. The proponent for variance 13-12-21, 521 Franklin Square Apartments A-C, Michigan City, was unavailable for questions. This variance had inadvertently been copied with an incorrect number in the header. The application information presented was that which had been submitted by the applicant. Commissioner Brenner moved to table, with the second by Commissioner Richard. It was voted upon and carried. The proponent for variance 13-12-34, Lake Rudolph Campground & RV Park, Santa Claus, had requested it be withdrawn. Variance 14-1-1, Georgetown Road Church/Everlasting Hope International Ministries, Indianapolis, had requested to be tabled by the proponent. Commissioner Hoch moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance 14-1-4, 2370 South Henderson Windows, Bloomington, had been incomplete and was now eligible to be heard. The staff had recommended no variance required during their review. Commissioner Richard moved that no variance was required, with the second by Commissioner Brenner. It was voted upon and carried. Variance 14-1-5, Stone Church Apartments, Bloomington, had no proponent available for questions. Commissioner Brenner moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried. Diane Hatfield, Park Manager, and Tom Harris, contractor, appeared as proponents for variance 14-1-7(a)(b)(c), Wildridge Association Inc, Birdseye. A carport, completely open on three sides and partially open on a fourth, was being constructed to keep rain and snow off a wood chipper and an equipment truck. It was located immediately adjacent to a maintenance shed, which has restroom facilities in place. The carport has no plumbing or gas lines, and was not intended to be used for a work area. Following discussion, Commissioner Cloud moved no variance was required for (a) and (c), with the second by Commissioner Hoch. It was voted upon and carried. Variance (b) was a discussion of the accessible routes provided. Noting that the building is fully open on three sides, partially open on a third, and not normally occupied, Commissioner Von Deylen moved no variance was required, with the second by Commissioner Richard. It was voted upon and carried. Variance 14-1-18, Roche Diagnostics Learning and Development Center, Indianapolis, and variance 14-1-21, Iron Works, Indianapolis, were both

still incomplete. Commissioner Von Deylen moved to table both, with the second by Commissioner Richard. It was voted upon and carried. Variance 14-1-27, Penn Street Tower, Indianapolis, was represented by Ed Rensink, RTM Consultants. The variance had been tabled to allow the proponent time to research dual feed options on the Indianapolis power grid in lieu of a standby generator. The proponent had provided a letter from Vector Consulting stating they had separate service for standby power. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Cloud. It was voted upon and carried. Greg DeWeese, Felderman Design Build, spoke as proponent for variance 14-1-29, Kenworth of Ft. Wayne, Ft. Wayne. The request was to omit plumbing fixtures found in Table 29 from the accessory use storage building. It will have neither plumbing nor heat installed, and will rely on restroom facilities in the main building. Following discussion, Commissioner Brenner moved no variance required, with the second by Commissioner Hoch. It was voted upon and carried. Jack Swets, business owner, spoke as proponent for variance 14-1-32, Team Combat Live, Hobart. A Chapter 34 evaluation had been done and the facility fell short of the required scores in fire safety, mandatory means of egress, and general safety. The installation of a fire suppression system would remove the need for variances, but is not within their budget to install. Per the proponent, the purpose of the facility is to provide tactical training for military and local law enforcement personnel, while opening on weekends for general public use. He stated there were generally fifty persons in the building, and staff moved with the teams during use. Discussion included the mezzanines and their apparent lack of sufficient exiting, and if the existing exits are compliant, a pre-condition to the use of Chapter 34. Also discussed was the occupancy classification of the facility and the occupant load of the building. Requesting more complete information, Commissioner Richard moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried with one nay. John Grezierski, architect, spoke as proponent for variance 14-1-39, Kokomo Housing Authority Superior Street Apartments, Kokomo. The request was to omit sprinklers in the buildings. While construction was similar to townhouses, there were no property lines and the units were separated by 2-hour fire barriers. Following discussion, Commissioner Brenner moved to approve with the condition that a 2-hour, structurally independent fire wall be built between units. Commissioner Von Deylen made the second. It was voted upon and carried with one nay. Variance 14-1-40(a)(b)(c), Grooms Tire Recycling, Indianapolis, was represented by Ed Rensink, RTM Consultants. Also presenting was Carlos Pedrazza of Seacorp. Variance (a) was a request to omit a hydrant within 400 feet of the building. Variance (b) was a request to omit sprinklers, and (c) to exceed the allowable area for Type VB construction by 7.5%. The building, with steel ceiling and 29-gauge steel sheeting on both sides of the walls, will have a monitored fire alarm system and smoke detectors. The nearest public water supply is 1,400 feet from the back of the building, and over 400 feet of underground line would be required with an estimated cost of over \$200,000. T.J. Burns, Indianapolis Fire Department, also addressed the Commission. He noted that, after all employees had been evacuated through the four exits, water would be trucked in from the airport, but the facility would burn to the ground. The lack of a 60' set back from property lines on all sides was also discussed. Mr. Pedrazza explained the building had been situated as it had to allow the trucks easier access into and out of the building, but was able to get 40 feet set back to the property line on the west side. Commissioner Cloud moved to approve all three variances, with the condition they provide a 40 foot separation to the property line on the west side of the facility. Commissioner Von Deylen made the second. It was voted upon and carried with 3 nay votes. Variance 14-1-41, Bunker Hill Drag Strip, Bunker Hill, was represented by Doug Trent, RTM

Consultants. The concept of the project had been changed, and the dj will no longer be provided. A juke box will now be used, and a shunt trip would be installed to cut power to the audio when the monitored fire alarm system activates. The restaurant, added to the existing building constructed with 8" concrete block walls, will have a Type 1 kitchen exhaust hood with an automatic suppression system. There will be a hard-wired smoke detection system throughout. There is a concrete floor, and smoking is not allowed. There will be seating for 90, and the facility will have 3 exits, while only 2 are required from the area. Following discussion, Commissioner Von Deylen moved to approve with the condition that the juke box have a shunt trip installed. Commissioner Cloud made the second. It was voted upon and carried with 3 nay votes. Doug Trent spoke as proponent for variance 14-1-44, Grace Banquet Hall and Apartments. Also present was Shane Rowe, property manager for the trust that owns the facility. A smoke detection and fire alarm system were to be filed and installed in the facility to achieve a passing score in the Chapter 34 review. After discussion, Commissioner Cloud moved no variance required contingent upon the filing and installation of a fire alarm system. Commissioner Hoch made the second. It was voted upon and carried. Christina Collester, RTM Consultants, spoke as proponent for variance 14-1-45, Children's Museum of Indianapolis Terre Cotta Warriors Exhibit, Indianapolis. Also speaking was Brian Statz, Vice-President of Operations at the Children's Museum, and Monica Humphrey, exhibit manager. A handout showing the layout of the exhibit was distributed. It highlighted the waiting area, theater area, and exiting for the area. A person was shown to enter through the theater room through the Moon Doors, operated by staff, and on into the exhibit area. The exhibit is staffed by nine persons at all times. Following discussion, Commissioner Richard moved to approve with the condition that nine staff be present at all times that the exhibit is open. Commissioner Von Deylen made the second. It was voted upon and carried. Ed Rensink, RTM Consultants, spoke as proponent for variance 14-1-50, Illinois Place, Indianapolis. Also present was Anson Keller, architect. The clearance between opposing base cabinets, countertops and appliances is less than the required 40 inches due to a construction error. Since the buildings are substantially complete, the request was to allow the condition to exist with the owner to then provide compliant accessible units as they are required. Following a lengthy discussion of the Indiana accessibility requirements, to which a variance may be granted, as well as the federal Fair Housing Act, to which no variance may be granted by the Commission, Commissioner Brenner moved to approve with the condition that four units must be made to comply with Indiana's accessibility requirements. Commissioner Von Deylen made the second. It was voted upon and carried by a vote of five to three. Jeff Diamond, a member of the Board of Directors for Long Beach Country Club, spoke as proponent for variance 14-1-51, Long Beach Country Club Rear Deck Tent, Long Beach. A tent has been traditionally set up by the facility between the club house and the swimming pool over concrete decking. The request was to allow it to be up for a period of 105 consecutive days instead of the 30 allowed by the Fire Code. They would do an inspection of the tent, material and maintenance every thirty days, and provide an inspection report. When asked if an emergency plan was in place, the proponent replied that was not the case. Following discussion, Commissioner Von Deylen moved to approve with the condition that an emergency evacuation plan be created in consultation with the local fire department, and that the tent be inspected every thirty days. Commissioner Brenner made the second. It was voted upon and carried. Tim Callas, J&T Consulting, spoke as proponent for variance 14-1-60(a)(b)(c) Bumgarner Building Truck Wash, Uniondale. The facility washes animal carriers for local farmers, and their new building will now direct the wash water to a containment tank instead of onto the ground. The request in (a) is to

omit the fixtures required from Table 29. Variance (b) is to omit accessible routes into the building or leading to the existing restroom in the original building 325 feet away. Variance (c) was to allow the existing restroom to remain without accessible elements. The owner does not plan on hiring new personnel to staff the truck wash building as it would be used only two or three times a day, and current staff is able-bodied. Following discussion, Commissioner Brenner moved to approve all three variances. Commissioner Cloud made the second. It was voted upon and carried. Tim Callas, J&T Consulting, spoke as proponent for variance 14-1-61(b)(c)(d), Edge Manufacturing West Addition, Bluffton. An addition to the existing facility changed the travel distance to the existing restroom. The requests are to allow an addition to an existing building to omit site accessible routes to restroom facilities in (b), to omit fixtures called for in Table 29 in the addition in (c), and to allow the existing restroom to maintain the limited accessible features it currently contains in (d). Following discussion, Commissioner Richard moved to approve all three variances. Commissioner Brenner made the second. It was voted upon and carried. Tim Callas, J&T Consulting, spoke as proponent for variance 14-1-62, BDC Building Roof Remodel, Bluffton. An existing facility was re-roofed without a Construction Design Release, and was cited by a state inspector. The release, when obtained, required sprinklers to be installed in the area between the existing roof and the new roof. The reviewer had interpreted this as an addition or alteration, increasing square footage of the building. The proponent advised Commission that they were installing draft stops, heat detectors and an attic access to the area which was an attic area and was not to be occupied. Following discussion concerning whether they had actually added fire area, the code cited was corrected to read 903.2.8. on the application. Commissioner Cloud moved that no variance was required, with the second by Commissioner Mitchell. It was voted upon and carried. Variance 14-1-68(a)(b), Watermark at Cumberland, Fishers, was represented by architect Jennifer Smith-Pittman, Humphreys & Partners. Variance (a) was a request to allow the use of a 20"x30" attic access door instead of the code-required 20"x40" due to the fact that she had been unable to locate an appropriately sized door. Variance (b) was a request to omit the rating of the clubhouse corridor windows and doors. The proponent advised that the corridors would not have more than 21 occupants using it at one time, and that they were unaware before construction that they needed to rate the corridor. Don Graber, Fishers Fire Department, also addressed the Commission, noting the architects did receive comments on the review to rate the corridors. He also noted that the corridor which led to the pool area was blocked by a mag lock on the gate. He did not, however, object to the variance. Following discussion, Commissioner Mitchell moved to approve variance (b) with the second by Commissioner Brenner. It was voted upon and carried. Commissioner Mitchell then moved to approve variance (a) with the condition that the architect design and stamp plans for a 20"x40" attic access opening. Commissioner Hoch made the second. It was voted upon and carried. Ed Rensink, RTM Consultants, spoke as proponent for variance 14-1-69(a)(b)(c), Model Mill Building, Noblesville. He stated that there had been a meeting with the Building Law Compliance Officer, Plan Review and Mr. Shanehasaz to go over the issues in the building as they currently stood, and the results were the three variances presented. Variance (a) was a re-request of variance 13-02-27(a) based on a revised maximum occupant load for the 4th and 5th floors, with a clarification of the use of the 5th floor as a location for bridal photographs. Variance (b) was a re-request of variance 13-02-27(a) and the single open egress stair to the 4th floor from the 5th floor cupola. Variance (c) was to allow a single handrail on an interior stair connecting the 3rd and 4th floors. The proponent provided a history of the variances which had been granted for this location by the Commission. A discussion of the sprinkler system and its

ability to perform properly was held. The proponent noted that much of the system had been replaced, and that a sprinkler contractor had been involved all along. He also noted that it has regularly been tested as required. Dean Illingworth, Building Law Compliance Officer, expressed a concern about the number of variances granted to this project over the years and whether or not they overlapped appropriately. During a discussion of the occupant load of the 4th and 5th floors, Mr. Rensink noted that the 4th and 5th floors would not be rented out as event space. They would be used as bridal areas and office space. Following further discussion, Commissioner Von Deylen moved to table to have the owner have the sprinkler design density specifications identified for the sprinkler system on the 4th and 5th floors, and to have the sprinkler system on the 4th and 5th floors tested to determine compliance with density. Commissioner Richard made the second. It was voted upon and carried. Commissioner Mitchell abstained. The owner of the building in variance 13-12-21, 521 Franklin Street, Michigan City, arrived at the meeting. The variance, which had been tabled, was brought forward to be heard at this time. Karel Hula, owner, spoke as proponent. The request was to omit the sprinkler system during the conversion of one 3,200 square foot second floor apartment into three studio units. The water lines are on the other side of the street, and the owner stated the cost to bring it into the building would bring the project to a halt. He noted that hard-wired smoke detectors were to be provided in the rooms as required by code. A question was raised about the size of the windows, and the owner noted they were 54"x114" in the front and 52"x86" in the back. Following discussion, Commissioner Brenner moved to approve with the fire alarm system extended from the first floor to cover the second floor, and stove top fire stop canisters provided in each apartment. Commissioner Cloud made the second. It was voted upon and carried with two nays.

Breaking and reconvening. Chairman Hawkins recessed the Commission at 11:55 a.m. It was called back to order at 12:17 p.m.

Regular Variances

Chairman Hawkins called for a motion to approve "A" and "B" variances. Commissioner Von Deylen moved to approve all "A" and "B" variances. The second was made by Commissioner Brenner. It was voted upon and carried.

The following variances were approved as submitted:

- (8) 14-02-6 Community Storage New Self Storage Facility, Pendleton
- (9) 14-02-8 Mainstreet Health and Wellness Suites of Terre Haute, Terre Haute
- (10) 14-02-12(a)(b)(d) Hawks Art and Enterprise Center, Goshen
- (11) 14-02-13(a)(b)(c) Indiana Tech Academic Center, Ft. Wayne
- (12) 14-02-14(a)(b)(c) Crawford Apartments, Bloomington
- (13) 14-02-17(a) Wishard 1700 N. Illinois, Indianapolis
- (14) 14-02-19 Eskenazi Hospital 7th Floor Inpatient Psych Unit and Triage Unit,

Indianapolis

- (15) 14-02-20(a)(b) 733 Loft Apartments, Indianapolis
- (16) 14-02-21 Ball State University AT Building Renovation, Muncie
- (17) 14-02-24 Haverhill Elementary School Addition & Renovation, Ft. Wayne
- (18) 14-02-26 Mahrtdt Properties Inc. Fire and Smoke Damage Repair, Indianapolis
- (19) 14-02-27 531 Apartments, Bloomington
- (20) 14-02-32(a) Zionsville High School Additions and Renovations, Zionsville
- (21) 14-02-33 Newegg Inc. IDI Connect Building 1, Indianapolis
- (22) 14-02-35 Roche Diagnostic Operations Office Building, Indianapolis

The following variances were heard separately:

- (23) 14-2- 1 IU Health Riley Hospital, Indianapolis

Neal Locasto, RTM Consultants, spoke as proponent. The request was to allow an alcohol-based hand rub, containing a concentration of ethanol over the 70% by volume allowed by code, to be used in the hospital surgical corridors. The building is fully sprinklered, and the corridors in which the hand sanitizers would be installed have smoke detection systems. The rub would be stored in a 1-hour flammable liquid storage cabinet in its packaging until the amount exceeds 10 gallons. It would then be stored in a hazardous materials room. Following discussion, Commissioner Brenner moved to approve with the second by Commissioner Hoch. It was voted upon and carried.

- (24) 14-02-2 Fall City Sub District Salt Storage Building, Clarksville

Mara Snyder, Director, Legal and Code Services, advised the Commission that staff believed no variance was required. Upon confirming that no plumbing at all was in the building, Commissioner Brenner moved no variance required, with the second by Commissioner Richard. It was voted upon and carried.

- (25) 14-02-3 Hoosier Village Connector Phase 1, Zionsville

Scott Hall, architect, spoke as proponent. The dining building and a chapel are to have a corridor constructed connecting them at this retirement facility. The request was to allow one of the seven exits from the dining hall and one of the two exits from the chapel to be blocked during the expected three month construction project. The proponent stated the exit lights over the affected doors would be blocked out to avoid confusion, and staff, on site 24 hours a day, would be present during use of the chapel to assist in evacuation if needed. Joshua Frost, Fire Marshal, Zionsville Fire Department, also addressed the Commission. He requested that corridors which led to a vacant building be blocked off

until such time as the building has been razed according to plans. Following discussion, Commissioner Mitchell moved to approve for a period of three months. Commissioner Brenner made the second. It was voted upon and carried.

(26) 14-02-4 Well Grounded Coffee House, Ft. Wayne

Staff had determined that no variance was required. Commissioner Brenner moved no variance was required, with the second by Commissioner Von Deylen. It was voted upon and carried.

(27) 14-02-5(a)(b)(c) YMCA Camp Carson Cabins, Princeton

Roger Lehman, RLehman Consulting, spoke as proponent. The request in (a) was to omit the service sink and shower facilities in the cabins. The campers currently are to use a shower house within 300 feet of the cabins. Space has been provided in the cabins for the future installation of shower facilities. The space is currently used for bunks. Staff is responsible for cabin maintenance, using a wall hydrant or restroom sinks for mop water. Variance (b) was to allow the four cabins built last year to not provide the accessible hard surface route and ramps. The new cabins are to be accessible. Variance (c) was to allow the NFPA 13R system to not be functional during the winter months when the camp is not used. The system will be tested each year prior to occupancy. Commissioner Mitchell moved no variance required for variance (c), with the second by Commissioner Richard. It was voted upon and carried. Following further discussion, Commissioner Cloud moved to approve (a) and (b), with the second by Commissioner Hoch. It was voted upon and carried.

(28) 14-02-7 Camp Potawatami Cabins, Wolcottville

Ed Welling, architect, spoke as proponent. The request was to omit the sprinkler systems required for these cabins. The camp uses well water, and the cost to dig new wells, provide pumps and electrical systems needed would be too expensive to proceed with the cabins. They offered to have 1-hour fire rated construction to separate the bedrooms from the rest of the building, provide 3 exits from each bedroom, provide egress windows, install manual and automatic fire alarm systems, and provide hardwired smoke detectors. The proponent was unfamiliar with 13D systems, and had not researched prices for them. Commissioner Von Deylen moved to table to allow the proponent time to check costs of a 13D system, and obtain the local fire official acknowledgement. Commissioner Richard made the second. It was voted upon and carried.

14-02-9 The Heritage of Fort Wayne Elevator #1, Ft. Wayne was withdrawn

14-02-10 Jane Pauley Community Health Center, Indianapolis was withdrawn.

(29) 14-02-11(a)(b)(c)(d)(e) Professional's Plaza, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. A former school building had stood vacant for 3 years before being sold to an investor. Two areas of the building were to have a change of use. Variance (a) was to allow the Chapter 34 review to omit the first floor restaurant and the lower level fitness center. He was requesting a variance to avoid any issues as to whether the areas qualify as an accessory use. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Variance (b) was to allow some of the reused drywall panelized system partitions door and altered toilet partitions and accessories to not meet ADA standards. The doors which come with these package wall systems are 32" wide but with an opening of only 29½". The rooms in which the package wall system doors are used will have at least one ADA compliant doorway. In order to make restrooms more accessible where possible, the request was to be allowed to move stall walls without bringing everything up to current code. After a lengthy discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Goeden. It was voted upon and carried. Variance (c) was to allow a small part of a glass and aluminum atrium wall to be less than the compliant distance from the property line. Following discussion, Commissioner Cloud moved to deny, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (d) was to allow the exit protection to be reduced before exit discharge. The fitness center, which is sprinklered, exits into a corridor which is not sprinklered. A bulkhead was to be built across the corridor and a smoke detection system, like an escalator package, installed. Commissioner Brenner moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (e) was to allow the replacement of corridor doors with unlisted or unlabeled doors. The current doors are unlabeled. Commissioner Brenner moved that no variance was required, with the second by Commissioner Von Deylen. It was voted upon and carried.

(30) 14-02-12(c) Hawks Art & Enterprise Center, Goshen

Ed Rensink, RTM Consultants, spoke as proponent. A 37 foot dead-end corridor was to be created on three floors in an existing, historic building when the south portion of the facility is converted into apartments while the north side is under separate ownership and separated by a party wall. Smoke detection will be provided in corridors and tied to the fire alarm system. It will be protected by an NFPA 13R system. Commissioner Von Deylen moved to approve, with the second by Commissioner Hoch. It was voted upon and carried. Commissioner Cloud abstained.

(31) 14-02-15 Tropicalisimo Restaurant, Indianapolis

Tom Whitaker, architect, spoke as proponent. A restaurant went into a space which had previously been a restaurant. It was believed the walls complied with separation requirements. It was found not to be the case. The request was to allow the required 2-hour separation walls to not be provided between the restaurant and the adjoining units.

The neighboring units will not close to allow the additional gypsum board to be installed to achieve the necessary rating. A fire pull station at the exit doors and one in the main space connected to Pike Twp. Fire Department were to be installed, as well as horns and strobes in every room. Sam Bruner, Pike Township Fire Marshal, asked that all the penetrations in the walls be properly sealed. It was noted that the signature on the application was that of the restaurateur and not the building owner. Commissioner Von Deylen moved to approve with the condition that a full fire alarm system be installed, wall penetrations be repaired, and the owner must sign the application within seven days. Commissioner Richard made the second. It was voted upon and carried.

(32) 14-02-16 Club MRCE, Kendallville

Tim Callas, J&T Consulting, spoke as proponent. He advised the Commission that the LFO had been dealing with an EMS fatality in his area, and the notification letter had been delayed but was said to be in the mail. It was decided to hear the application. The request was to allow the club area, separated by 12" thick masonry walls, to be evaluated under Chapter 34, without the second floor of the club area and the remainder of the building being included. The un-separated second floor of the club space would be secured, with only the owner and fire department to have keys. The second floor will be left unused. The basement houses mechanical equipment. There will be no cooking on site. Dean Illingworth, Building Law Compliance Officer, asked that the variance be tabled to allow Plan Review time to review it. Commissioner Hoch moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

(33) 14-02-17(b) Wishard 1700 N. Illinois, Indianapolis

Staff had recommended that no variance was required. Commissioner Brenner moved no variance required, with the second by Commissioner Richard. It was voted upon and carried.

(34) 14-02-18 Zurcher Tire, Monroe

The variance was incomplete. Commissioner Richard moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

(35) 14-02-22(a)(b) The Garden Table, Indianapolis

John Bennett, architect, spoke as proponent. A restaurant was going into a space previously occupied by a clothing store in Broad Ripple. The request in (a) was to allow a single, accessible restroom for the dining area. Variance (b) was to omit a second exit required by a calculated occupant load, not an actual seating count. The facility did not

provide space enough for this exit at the required half the diagonal distance. Commissioner von Deylen moved to approve variance (a), with the second by Commissioner Hoch. It was voted upon and carried. Commissioner Brenner moved to approve variance (b) with the second by Commissioner Von Deylen. It was voted upon and carried.

- (36) 14-02-23 Chilly Water Brewing Company, Indianapolis

John Bennett, architect, appeared as proponent. Due to the unique configuration of the space, two exits which comply with the half the diagonal distance requirement were not able to be provided. The proponent noted the only option was to allow the second exit to discharge into the sprinklered parking garage. The proponent then asked to modify his application to request a variance to 1015.2.1. Commissioner Brenner moved to approve with the second exit through the garage, with the second by Commissioner Hite. It was voted upon and carried. Commissioner Von Deylen abstained.

- (37) 14-02-25 8th and Locust Apartments, Terre Haute

Dennis Bradshaw, FP&C Consultants, spoke as proponent. A new building with four multi-story dwelling units had been constructed without Type A or Type B accessible units. Plan Review determined they must have at least one Type A with the rest Type B, and all must have a ramp providing access to the entry level of each unit. The request was to not provide ramps. The owner felt that since the units are multi-story, they would not be required to be accessible under the Fair Housing Act. Following a lengthy discussion on accessibility requirements, Commissioner Hoch moved to deny, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (38) 14-02-28 Carroll Jr./Sr. High School Health and Fitness Addition, Flora

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow the use of 2-hour fire barriers instead of fire walls to reduce the fire area. They will be sprinklering the fieldhouse addition, and bringing the pool, locker room and some office area into the same fire area. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

- (39) 14-02-29(a)(b) Cummins SEP High Horsepower Tech Center, Seymour

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request in variance (a) was to allow unlimited area rating, though the existing building has a fifty foot open side yard separation on one side due to the railroad right of way. Both the existing building and the addition are to be sprinklered per NFPA 13. Commissioner Brenner moved to

approve, with the second by Commissioner Richard. It was voted upon and carried. The request in variance (b) was to omit the required third exit from the second floor of the building. The floor, with an anticipated occupant load of 265, will contain conference and design team meeting rooms. The two stairways have a combined egress width of 130" for a capacity of 650 occupants. Commissioner Cloud moved to approve, with the condition that the second floor be posted at 265 occupant load. Commissioner Von Deylen made the second. It was voted upon and carried with one nay.

(40) 14-02-30(a)(b) Studio B, Lafayette

Melissa Tupper, RTM Consultants, spoke as proponent. The building had been filed before a Chapter 34 review had been completed. The building is used for Zumba classes. Variance (a) was to allow the path of travel to exceed that allowed by code. The basement contains only mechanical equipment and no storage. Variance (b) was to omit the sprinkler system. There will be a fire alarm and smoke detection system throughout the basement and first floor. Following discussion, Commissioner Hite moved to approve both variance (a) and (b) with the condition of no storage in the basement. Commissioner Mitchell made the second. It was voted upon and carried.

(41) 14-02-31 Franciscan St. Margaret Health Dyer Emergency Dept. Expansion, Dyer

Neal Locasto, RTM Consultants, spoke as proponent. The request was to allow an addition to not be separated from the existing building by a 3-hour fire wall. A 2-hour fire barrier will be provided in the fully sprinklered building. A horizontal exit will be provided to meet all travel distance requirements. The facility must comply with Life Safety 101. Following discussion, Commissioner Hite moved to approve, with the second by Commissioner Brenner. It was voted upon and carried, with one nay.

(42) 14-02-32(b)(c) Zionsville High School Additions and Renovations, Zionsville

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request in variance (b) was to allow exit travel distances that exceed that permitted by code in the sprinklered school. Variance (c) was to allow temporary egress during construction. Joshua Frost, Zionsville Fire Marshal, explained the planned loading of the areas involved, stating he had no objections to the variances. Following discussion, Commissioner Brenner moved to approve both variance (b) and (c), with the second by Commissioner Richard. It was voted upon and carried.

(43) 14-02-34(a)(b) Artistry Phase II North Building, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. In variance (a) the five story building was to be a modified, 2 hour podium of Type 1B construction with 2-hour floor separation. The building will be sprinklered with an NFPA 13 system. The request was to be allowed to exceed the number of stories for the type of construction. Variance (b) was to allow fire walls of the upper floors to not extend through the podium as required by code. Following discussion, Commissioner Brenner moved to deny both variances, with the second by Commissioner Richard. It was voted upon and carried with one nay. Commissioner Von Deylen abstained.

(44) 14-02-36 Roche Diagnostic Operations Parking Garage, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. A new parking garage was to have exterior walls of aluminum composite panels without rated cores and glass, which have not been tested per NFPA 285. The proponent stated he felt that car fires do not pose an exposure hazard in an open garage. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(45) 14-02-37 Lake Clearwater Apartments, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The outdoor storage closets on the apartment balconies had not been properly insulated, allowing their sprinkler heads to freeze. The request was to be allowed to remove the heads from a coverage that was not required by code, and is no longer wanted. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

(46) 14-02-38 Evansville Museum of Arts History & Science Expansion, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the exit lights to be dimmed during the programs in the new planetarium/ theater. The exit lighting will return to full power upon activation of the fire alarm or sprinkler system. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Patrick. It was voted upon and carried. Commissioner Cloud abstained.

(47) 14-02-39(a)(b) J.W. Riley Visitors Education Center, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request in variance (a) was to allow the staff kitchen in the center to not comply with accessibility requirements. The job description requires the employees to be able-bodied to complete their duties, and the public is not allowed in the space. Following a discussion of accessibility requirements, Commissioner Brenner moved to approve, with the second by Commissioner Richard. It was voted upon and carried. Variance (b) was to allow the Type 1 hood to be omitted from the staff kitchen. Staff had determined no variance was required. Following discussion, Commissioner Brenner moved no variance required, with the second by Commissioner Von Deylen. It was voted upon and carried with one nay.

(48) 14-02-40 Indianapolis Regional Operations Center, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow only the ROC, located within the Eastgate Mall, to be structurally modified to meet the intent of the required structural independence. Current code would require the entire structure to comply. A manual valve will be installed to isolate the sprinkler system in dealing with seismic structural drift issues, the fire alarm will have a subpanel, and emergency lighting will be on a battery pack system. Steve Hoffman, Hoffman Engineers, also addressed the Commission, explaining the calculations and how they were used in providing structural independence. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried.

14-02-41 Pine Hills Learning Place Renovation & Addition, Ft. Wayne was withdrawn.

6. Reconsideration of variance 13-11-52 Indiana Mentor, Merrillville

Janet Mummey, Regional Director, spoke as proponent for the Indiana Mentor, Merrillville. Mara Snyder, Director, Legal and Code Services, and Gary Bippus, Administrative Law Judge, did not participate in the discussion since the facility is part of a pending administrative proceeding. The facility had applied for a variance in November, and the Commission had ruled that no variance was required based on information which was found to be incomplete. In discussions with Philip Topor, Merrillville Fire Department, a question had been raised about the facility being a B occupancy based on differing opinions concerning all the occupants' capability of self-preservation. Philip Topor, Fire Marshal, Merrillville Fire Department, had filed the appeal to the variance. He also presented information to the Commission, offering a video of a fire drill he had taken. Marc Reynolds, Fire and Building Code Enforcement, also spoke to the Commission concerning his support of this being an I-4. Following a discussion of actions available to the Commission with James Schmidt, Deputy Attorney General, Commissioner Von Deylen moved to remove the matter from the ALJ due to inaccurate testimony and reconsider the variance, with the second by Commissioner Cloud. It was voted upon and carried with one nay.

Discussion of the variance application was then held. Ms. Mummy noted the violations had been corrected except for the Chapter 34 review, and as an I occupancy, a Chapter 34 is not available to her. It was then decided that members of the Commission needed further information from the proponent to support her variance request to omit sprinklers. Chairman Hawkins suggested that one course of action open to her would be to table the request to allow her to hire a consultants to assist her through this complex issue, or continue with the discussion now without that information. She decided to request that it be tabled. Commissioner Cloud moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

7. Discussion and Commission Actions

Darrel Lindley and Scott Gramer
Administrative Cause No. 13-17
Denial of Elevator Mechanic License
Nonfinal Order of Dismissal

Dunkin Donuts
Administrative Cause No. 13-28
Condition of CDR
Nonfinal Order of Dismissal

Commissioner Mitchell moved to affirm the Nonfinal Orders of the Administrative Law Judge. Commissioner Brenner made the second. It was voted upon and carried.

8. Discussion and Commission action on Petitions for Review (Timely filed unless otherwise noted.)

Sri Shirdi Saibaba Sansthan of Tristate
Appeal of denial of untimely appeal of
Variance 13-11-81

Commissioner Richard moved to grant the petition for review, with the second by Commissioner Brenner. It was voted upon and carried.

Catered Living Assisted Living, Peru
Order – Fire and Building Code Enforcement

Commissioner Richard moved to grant the petition for review which had been timely filed, with the second by Commissioner Hoch. It was voted upon and carried.

9. Comments – Mara Snyder

Ms. Snyder, Director, Legal and Code Services, thanked everyone for attending despite the weather. She noted the records retention schedule for variance files had been modified, and retention would now be for seven years, after which the files would be destroyed. Beginning in March, old variances would be discarded. An on-line variance application process is expected to be available for evaluation beginning in April. The program would not allow incomplete applications to be placed on the agenda. The electronic submission would not be mandatory until a later date.

10. Chairman Hawkins then adjourned the meeting at 4:02 p.m.

APPROVED _____
John Hawkins, Chairman